

Amendments to the Drawings:

The attached 1 sheet of drawings includes changes to Fig. 1. The sheet, which includes Fig. 1, replaces the original sheet depicting Fig. 1.

Attachment: Replacement Sheet (1)

REMARKS

The final Office Action of February 22, 2005, has been carefully reviewed and these remarks are responsive thereto. Applicant maintains the arguments previously submitted in the amendment filed December 20, 2004, and respectfully submits that the Office has either misunderstood or not thoroughly considered the arguments presented therein. However, in order to further prosecution on the merits in this case, Applicant is re-presenting the principal arguments with respect to the independent claims, responding to the Office Action's arguments and highlighting areas of misconception by the Office. Reconsideration and allowance of the instant application are respectfully requested.

Drawing Objection

The Office Action objects to the drawings because element 25 of FIG. 1 is allegedly missing reference numbers. Applicants submit 1 replacement sheet for FIG. 1, which includes the reference numbers on element 25 of FIG. 1. The inclusion of the reference numbers does not constitute the addition of new matter, because it is clear from the detailed description and drawings as filed that the components of element 25 are similar in nature to the components of element 15.

Claim Rejections

Claims 1 and 27 stand rejected under 35 U.S.C. § 102(b) as anticipated by Merrien *et al.* (WO 98/57474) (hereinafter "Merrien"). This rejection is respectfully traversed for at least the following reasons.

Independent claim 1 recites, *inter alia*, "configuring the network access device using said configuration settings such that network communication is *initially* established between the network access device and a *network operator*." (emphasis added). Merrien fails to teach or suggest using configuration settings such that network communications is *initially* established between the network access device and a *network operator*. The final Office Action alleges that Merrien describes such a feature at page 7, paragraph 4 of the English translation provided with the final Office Action. However, the translation indicates that the information from the smart

card is used to connect to an Internet provider, not the network operator through which the phone must communicate in order to connect to the Internet provider. That is, Merrien does not teach or suggest that the phone 10 uses the data on the inserted card 14 to communicate with the network operator (NO) 18. Instead, the phone 10 uses data on the card 14 to communicate with an Internet provider service 22. Merrien, p. 9. The user of the Merrien phone 10 must manually dial a telephone number of the Internet service provider 22, which inherently connects *through network operator 18*.

Thus, there is a fundamental flaw in the Office Action's logic, namely, that prior to insertion of the card 14 into slot 12 of the phone 10, the phone 10 can still connect to the network operator 18. The present invention, on the other hand, is what would enable a device, e.g., the phone 10, to configure settings to *initially* connect to the network operator in the first place. Nowhere does Merrien teach or suggest configuring the network access device using said configuration settings such that network communication is *initially* established between the network access device and a *network operator*. As such, it is clear that Merrien does not contemplate establishing network connectivity by using configuration settings such that network communication is initially established between the network access device and a network operator, as is recited in claim 1. Claim 1 is thus allowable for at least this reason. Independent claim 27 is allowable for similar reasons as claim 1.

Claims 2-3, 33-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Merrien in view of Liu. Claims 2-3 and 33-34 are allowable for at least the same reasons as their respective base claims, and further in view of the additional features recited therein.

In addition, there is no motivation or suggestion to combine Merrien and Liu. Applicants previously argued that there is no motivation or suggestion to combine Merrien and Liu, to which the final Office Action replied:

The motivation to combine Merrien and Liu is that Merrien teaches connecting to the Internet and it is known in the art that DSL is a method of connecting to the Internet that provides high-speed connections as disclosed in Liu column 3 lines 38-45. Office Action at 20.

The fundamental flaw in the Office Action's argument is that Merrien discloses *wireless* access to the Internet. DSL is a *wired* access technique. There is absolutely no expectation of success in combining Merrien and Liu, as would be required to make a *prima facie* case of obviousness. *See* MPEP § 706.02 (j). Applicant respectfully submits that, even if combined, Merrien and Liu would still need to be altered further in order to make the wireless connection techniques of Merrien compatible with the wired DSL connection techniques of Liu. Indeed, the Office Action does not provide a motivation or suggestion as to why or how one of ordinary skill in the art would be motivated to combine wireless and wired access techniques and, if combined, how they would have to be altered further in order to successfully work together. All rejections based on any combination of Merrien and Liu are therefore improper.

Claims 10, 15-19 and 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Merrien. This rejection is respectfully traversed.

Independent claim 15 recites, *inter alia*, "configuration settings configuring the network access device to *initially* establish network communication between the network access device and the *network operator*." As discussed previously with respect to claims 1 and 27, Merrien fails to teach or suggest configuring the network access device using configuration settings such that network communication is *initially established* between the network access device and a *network operator*. Claim 15 is thus allowable for similar reasons as claims 1 and 27, above.

Claims 37 and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Merrien and Liu and further in view of Langfahl and Riggins. Applicants submit that Merrien and Liu are not properly combinable, as discussed above, and the rejection is respectfully traversed.

All dependent claims are allowable at least for the same reasons as their respective base claims, and further in view of the additional features recited therein.

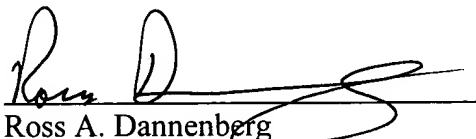
CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully requests prompt notification of the same. If there are any questions, the examiner is invited to contact Applicants' undersigned representative at the number noted below.

Respectfully submitted,

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